

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No. 10123 of 2004**

**ORDER:**

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.83 of 2001 on the file of the 2<sup>nd</sup> respondent-Labour Court and quash the award dated 22.12.2003 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 1<sup>st</sup> respondent.

It has been contended by the petitioner corporation that the 1<sup>st</sup> respondent workman was appointed as Conductor in the corporation. While he was discharging his duties, the officials of the corporation conducted a check and found that he had indulged in cash and ticket irregularities. The act of the 1<sup>st</sup> respondent was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had removed him from service vide orders dated 30.01.1997. Questioning the same, the 1<sup>st</sup> respondent unsuccessfully preferred an appeal and a review and, thereafter, raised an industrial dispute in I.D.No.83 of 2001 on the file of the 2<sup>nd</sup> respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act. The Labour Court without properly appreciating any of the contentions raised by the corporation, passed an award dated 22.12.2003 setting aside the order of removal and directing the corporation to reinstate

the 1<sup>st</sup> respondent into service with continuity of service, 25% of back wages, but without attendant benefits. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 1<sup>st</sup> respondent has contended that the Labour Court has rightly passed the award in favour of the 1<sup>st</sup> respondent and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court has rightly passed the award in favour of the 1<sup>st</sup> respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court, this Court cannot interfere with the award. There are no merits in the writ petition.

Therefore, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

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**ABHINAND KUMAR SHAVILI, J**

29<sup>th</sup> November, 2018  
cbs

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Writ Petition No.10123 of 2004  
(dismissed)

29<sup>th</sup> November, 2018

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